



General Assembly

February Session, 2016

***Raised Bill No. 116***

LCO No. 1405



Referred to Committee on HUMAN SERVICES

Introduced by:  
(HS)

***AN ACT CONCERNING CAREGIVER AGREEMENT REQUIREMENTS  
FOR MEDICAID APPLICANTS OR RECIPIENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1      Section 1. (NEW) (*Effective from passage*) (a) For purposes of this  
2      section, "caregiver agreement" means a written agreement between a  
3      Medicaid applicant or recipient and a family member of such applicant  
4      or recipient in which the Medicaid applicant or recipient agrees to pay  
5      the family member for providing services to the applicant or recipient.  
6      The Department of Social Services shall not impose a penalty for  
7      improper transfer of assets on a Medicaid applicant or recipient for  
8      payments made to a family member pursuant to a caregiver  
9      agreement, provided the agreement satisfies the provisions of this  
10     section and the applicant or recipient establishes that the services  
11     avoid or delay the applicant's or recipient's (1) placement in a nursing  
12     home facility, or (2) need for home and community-based services  
13     provided under a Medicaid waiver.
- 14     (b) For purposes of determining eligibility for Medicaid payment for  
15     long-term services, caregiver agreements after the effective date of this

16 section shall:

17 (1) Be executed prior to the delivery of services;

18 (2) Be signed and dated by the applicant or recipient and the family  
19 member who provides the services;

20 (3) Be notarized;

21 (4) Include the frequency, location and duration of services that will  
22 be provided;

23 (5) Provide for payment to the provider of services on a daily,  
24 weekly, biweekly or monthly basis for services received and prohibit  
25 prepayment for the provision of such services;

26 (6) Provide for payment for services at rates (A) not more than the  
27 average private pay rates for home and community-based services  
28 determined and published annually by Connecticut's Partnership for  
29 Long-Term Care through the Office of Policy and Management and,  
30 (B) for those services for which no rate is so published and posted, not  
31 more than twice the state minimum wage at the time the services were  
32 provided;

33 (7) Allow for modification of the agreement only by mutual written  
34 agreement of the parties;

35 (8) Allow for termination of the agreement by either party at any  
36 time and only in writing;

37 (9) Require the provider of services to maintain contemporaneous  
38 records of services provided and to submit copies of such records and  
39 itemized bills to the recipient;

40 (10) Include only those services that are not duplicative of services  
41 provided by others; and

42 (11) Not provide payment for (A) social activities or companionship,

43 (B) services provided while the applicant or recipient is in a nursing  
 44 home or other health care facility, or (C) travel by the provider of  
 45 services to or from the residence of the applicant or recipient.

46 (c) In determining eligibility for Medicaid, the department may  
 47 require an applicant or recipient to provide, in addition to other  
 48 documentation: (1) Copies of the contemporaneous records of services  
 49 provided by and itemized bills received from the provider of services  
 50 pursuant to a caregiver agreement; and (2) documentation establishing  
 51 that the applicant or recipient of services has complied with state and  
 52 federal tax requirements governing payments made to a provider of  
 53 services pursuant to a caregiver agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Purpose:**

To prevent Medicaid applicants or recipients from improperly transferring assets to gain eligibility for Medicaid funded long-term care via agreements to pay family members for providing care to such applicants or recipients.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*